



Congress of the United States
House of Representatives
Washington, DC 20515-0603

April 17, 2023

482

1713 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-4761

PUEBLO DISTRICT OFFICE:
503 NORTH MAIN
SUITE 426
PUEBLO, CO 81003

GRAND JUNCTION DISTRICT OFFICE:
743 HORIZON COURT
SUITE 112
GRAND JUNCTION, CO 81506

DURANGO DISTRICT OFFICE:
THE WEST BUILDING
835 EAST 2ND AVENUE
SUITE 204
DURANGO, CO 81301

BOEBERT.HOUSE.GOV

Acting Chairwoman Jessica Rosenworcel
Federal Communications Commission
45 L Street NE
Washington, DC 20554

RE 2013 Narrowband Mandate Exemption for Hinsdale County, Colorado

Dear Chairwoman Rosenworcel,

As the Representative for Colorado's Third Congressional District, I write on behalf of Hinsdale County, Colorado to request an exemption to the FCC's 2013 Narrowband Mandate. The requested exemption or waiver is needed to protect the health and safety of citizens and county employees, and it does not conflict with the stated purpose or intent of the 2013 rule.

Hinsdale County, Colorado is a remote rural county with estimated population of 775 people, depending on the season. According to the USGS¹, Hinsdale County is the most remote area in the United States' Lower 48. The county has five mountain peaks over 14,000 feet and 20 peaks over 13,000 feet in elevation, and in addition to the rigorous topography 96% of Hinsdale County is public lands which are mostly roadless.

The county's unique challenges of extreme elevation changes and minimal infrastructure equate to vast distances between radio communication towers. The only feasible locations for towers come with added challenges to supply and preserve power to the remote systems; plus, winter snow, spring mud, and severe high winds can make tower locations impossible to access. The outcome is a dangerous lack of redundancy, with increased maintenance costs despite having fewer locations to service.

Unfortunately, a tower configuration such as exists in Hinsdale County is not a good fit for the reduced radio transmission range of the FCC's narrowband mandate. The FCC's intent in splitting the previous bandwidth of 25 kHz to the narrow bandwidth requirement of 12.5 kHz assumed a benefit of increased licensable frequencies for the business/industrial pool of users; but in the case of Hinsdale County where livestock and wildlife populations exceed people, there's no foreseeable need for an increase of available frequencies. The FCC's narrowband mandate also assumed there would be no signal impact from the reduced modulation; but in the case of Hinsdale County, despite the best effort of county officials, compliance with the FCC's narrowbanding mandate has led to an alarming drop in coverage for emergency and county service communications.

¹ <https://www.denverpost.com/2007/05/03/colorado-has-most-remote-area-in-u-s/>

Reduced signal coverage also has a near daily negative impact to county services; including interruptions to workflow and lost time when, for example, road and bridge crews must travel 10-15 miles from the jobsite just to acquire a signal. Narrowbanding in Hinsdale County is without merit and has created danger zones—zones where employees are required to work absent signal coverage and where citizens and travelers can be stranded with longer and dangerous wait times as emergency crews attempt to coordinate around communication channels with 50% less coverage than was available before narrowbanding.

Reduced safety, increased costs, and added burden of inefficient communications for county personnel is not the only concern. Federal agency officials conducting business on public lands and even wildland firefighting crews will experience these same dead zones when working in Hinsdale County due to the narrowband frequency limitation. The FCC should consider an exemption for Hinsdale County under these circumstances of safety and hardship. Fortunately, there's an existing standard which the FCC could apply to achieve such exemption.

The FCC has prior precedent for narrowband exemptions on timing, which exemption could also apply to appropriateness where Hinsdale County is concerned. The FCC provided a phased approach to implementation of mandatory narrowbanding leading up to and even extending the January 1, 2013, compliance deadline. Within its own Order dated April 25, 2012, the FCC outlined rationale for granting a waiver of the deadline which conditions included when:

- (a) *the underlying purpose of the rules would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest; or*
- (b) *in view of unique or unusual factual circumstances, application of the rules would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.*²

These same criteria used for timing exemptions could be applied to Hinsdale County for a situational exemption, and with apparent minimal added administrative effort by FCC. It's also important to note that despite the mandated manufacture of equipment specific to narrowband, Hinsdale County indicates cost to recalibrate existing communications equipment is negligible.

For the reasons outlined above I respectfully request a narrowband exemption be granted for Hinsdale County, Colorado; and be completed in 30-days to provide relief prior to the upcoming fire season. The county's current FCC license and letter of support for this request is included in attachment. I further request the FCC pursue this exemption with expectation similarly impacted counties may also need the same consideration; including but not limited to potential inquiry for Mineral County, San Juan County, and San Miguel County if requested.

Sincerely,

A handwritten signature in black ink, appearing to read "Lauren Bt" with a stylized flourish at the end.

Lauren Boebert
Member of Congress

² FCC - WT Docket No. 99-87. https://transition.fcc.gov/Daily_Releases/Daily_Business/2012/db0426/DA-12-642A1.pdf

REFERENCE COPY

This is not an official FCC license. It is a record of public information contained in the FCC's licensing database on the date that this reference copy was generated. In cases where FCC rules require the presentation, posting, or display of an FCC license, this document may not be used in place of an official FCC license.



Federal Communications Commission
Public Safety and Homeland Security Bureau

RADIO STATION AUTHORIZATION

LICENSEE: HINSDALE, COUNTY OF

ATTN: ROAD & BRIDGE SUPERVISOR
HINSDALE, COUNTY OF
PO BOX 277
LAKE CITY, CO 81235

Table with 2 columns: Call Sign (KNET688), File Number (0006807128), Radio Service (PW - Public Safety Pool, Conventional), Regulatory Status (PMRS), Frequency Coordination Number.

FCC Registration Number (FRN): 0012507273

Table with 4 columns: Grant Date (05-19-2015), Effective Date (05-19-2015), Expiration Date (07-18-2025), Print Date (05-20-2015).

STATION TECHNICAL SPECIFICATIONS

Fixed Location Address or Mobile Area of Operation

- Loc. 1 Area of operation: Land Mobile Control Station meeting the 6.1 Meter Rule: CO
Loc. 2 Address: HENSON & 4TH, City: LAKE CITY, County: HINSDALE, State: CO, Lat (NAD83): 38-01-43.0 N, Long (NAD83): 107-18-55.2 W, ASR No.: Ground Elev: 2644.0
Loc. 3 Address: 3RD & BLUFF, City: LAKE CITY, County: HINSDALE, State: CO, Lat (NAD83): 38-01-43.0 N, Long (NAD83): 107-19-05.2 W, ASR No.: Ground Elev: 2646.0
Loc. 4 Address: 71 MOUNTAIN, City: LAKE CITY, County: HINSDALE, State: CO, Lat (NAD83): 37-56-16.0 N, Long (NAD83): 107-16-05.2 W, ASR No.: Ground Elev: 3751.0
Loc. 5 Area of operation: Operating within a 80.0 km radius around fixed location 4

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

Licensee Name: HINSDALE, COUNTY OF

Call Sign: KNET688

File Number: 0006807128

Print Date: 05-20-2015

Antennas

Loc No.	Ant No.	Frequencies (MHz)	Sta. Cls.	No. Units	No. Pagers	Emission Designator	Output Power (watts)	ERP (watts)	Ant. Ht./Tp meters	Ant. AAT meters	Construct Deadline Date
1	1	000154.99500000	FX1	2		11K2F1D 11K2F3E 8K30F1E	15.000	30.000			
2	1	000155.77500000	FB	1	20	11K2F1D 11K2F3E 8K30F1E	110.000	71.000	15.0		
3	1	000155.77500000	FB	1	20	11K2F1D 11K2F3E 8K30F1E	110.000	71.000	13.0		
4	1	000155.77500000	FB2	1	20	11K2F1D 11K2F3E 8K30F1E	110.000	90.000	8.0		
5	1	000154.99500000	MO	35		11K2F1D 11K2F3E 8K30F1E	110.000	110.000			
5	1	000155.77500000	MO	35		11K2F1D 11K2F3E 8K30F1E	110.000	110.000			

Control Points

Control Pt. No. 1

Address: 1775 HWY 149 N.

City: LAKE CITY County: HINSDALE State: CO Telephone Number: (970)944-2400

Associated Call Signs

<NA>

Waivers/Conditions:

NONE



311 N. Henson St. Lake City, Colorado 81235 970-944-2225 www.hinsdalecountycolorado.us

April 19, 2023

RE: 2013 Narrowband Mandate Exemption for Hinsdale County, Colorado

Dear Congresswoman Boebert:

Hinsdale County is respectfully requesting your assistance in seeking an exemption from the 2013 Narrowband Mandate, which adversely affects emergency radio communications in Hinsdale County. Narrowbanding drastically limits radio reception in the most remote areas of our county, impacting the ability of emergency responders to reach those in need in a timely manner.

Hinsdale County contains 96 percent public land, which includes hundreds of acres of forests, mountains, canyons and pastures. This abundance of natural resources draws thousands of visitors to the backcountry each year, but also leaves the county vulnerable to natural disasters. Robust communication in the more inaccessible areas of the county is essential when accidents or injuries occur miles from town.

Prior to the narrowbanding mandate, emergency radio communication was accessible in most areas of the county. Following the change, responders often have to drive miles to get a signal.

Dozens of examples exist of the need for better radio reception, including Hinsdale County Road and Bridge personnel discovering an OHV accident with injuries near the summit of Cinnamon Pass. Prior to narrowbanding, there was VHF radio service at this location -- but because of the change -- employees had to drive six slow miles to call for assistance. A car went off the road in another remote area of the county -- 16 miles from the Town of Lake City -- that is popular for camping and fishing. Previously there was radio service in that area but now there is absolutely none. Those who discovered the accident had to drive eight miles to get to where there was a limited radio signal.

Natural disasters including avalanches, mud slides, wildfires and flooding are a reality in remote areas like Hinsdale County. Lack of radio communication can spell disaster for stranded recreationalists or responders trying to gain important information. One hour can make a difference between life and death for someone in the back country. Having to drive miles to get a radio signal could take up that important hour.

If Hinsdale County is granted an exemption to narrowbanding, the county estimates there could be as much as 50 percent better radio communication in our most remote areas.

Included with this letter is documentation that provides more technical information from our contracted radio specialist, Dale Myers, of Digitcom.



HINSDALE COUNTY
COLORADO

311 N. Henson St. Lake City, Colorado 81235 970-944-2225 www.hinsdalecountycolorado.us

Thank you for your consideration of this important request for Hinsdale County.

Respectfully,

Greg Levine, Chair
Commissioner

Kristine Borchers, Vice Chair
Commissioner

Robert Hurd
Commissioner

Accompanying documentation to letter of request from Hinsdale County Commissioners to Congresswoman Boebert

As a 38-year radio technician professional and the service technician for Hinsdale County since 1989, I am qualified to speak to the safety and hardship this 2013 mandate has imposed on the people of Hinsdale County and other rural agencies that depend on communication through the radio frequencies affected by the mandate. Hinsdale County is such a mountainous area within the State of Colorado and Rocky Mountain Region of the United States, every mile of communications is a costly adventure via radio wave. The mandate reducing the modulation of radio signals in affect reduced the radio signal coverage area as well, even though the FCC stated it would be minimal, the actual reduction in coverage was nearly reflective of the same ratio of half. The idea behind the mandate was to allow more available frequencies for licensing by being able to create the splinter frequencies halfway between the existing frequencies, in creating this spread between frequencies by reducing the modulation allows twice the number of licensable frequencies. This is understandable in the more populated areas where the radio frequency spectrum has been near fully licensed, however in these urbanized areas, the coverage normally does not have the same coverage issues as rural areas in the nation.

The questions I have always had concerning this 2013 Narrowband Mandate is why is the mandate complete spectrum wide without options for exception. I refer to the FCC Code of Federal Regulations; Title 47; Part 90; Subpart B; section 20.37 where certain frequencies are limited to use outside of urbanized areas of 200,000 population or larger.

Title 47; Part 90; Subpart B; Section 20.37

(37) Use of this frequency is limited to stations located at least 120.7 km (75 miles) from the center of any urbanized area of 200,000 or more population (U.S. Census of Population 1970). Operation is on a secondary basis to licensees of the Industrial/Business Pool.

Why couldn't a similar limitation be used for the Narrowband Mandate, or if the licensee is outside of such a populated area the mandate could be subject to exception?

In the case of Hinsdale County, the least populated and one of the most mountainous areas in the United States, requiring the same mandate that causes reduction of radio transmission range as an urbanized highly populated area has no reasonable merit. However, the effect of the degrading of radio transmission has tremendously increased safety concerns due to the radio signal coverage diminishing. Areas of the county that had radio signal coverage with the wide band modulation, no longer have radio signal coverage, and with personnel working in these areas the radio signals do not reach are now working in danger zones due to lack of communications in case help is needed. In addition to the diminished radio coverage, the expense to get the radio coverage area similar to where it was prior to the narrowband mandate and observe the mandate is costly in at least 2 parts, one to develop additional radio sites in remote areas and the land lease costs the federal agencies have proposed for these locations has even caused the "for profit" leases think twice about renewing or seeking new locations.

I have included the link to the FCC Code of Federal Regulations below.

<https://www.law.cornell.edu/cfr/text/47/90.20>

The frequencies Hinsdale County Road Department is licensed are 154.995 Mhz and 155.775 Mhz. I have copied and pasted the pages showing the frequencies within the regulations. The coordination of these frequencies designated by PX = Any Public Safety Coordinator, except the Special Emergency Coordinator.

47 CFR § 90.20 - Public Safety Po. x

https://www.law.cornell.edu/cfr/cfr/47/90.20

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ABOUT LII GET THE LAW LAWYER DIRECTORY LEGAL ENCYCLOPEDIA HELP OUT

154.8125do	16	PP
154.900	.....do	16	PP
154.9075	.....do	15, 27	PP
154.935	.....do	16	PP
154.9425	.....do	16, 27	PP
154.950	Mobile		PP
154.9575	.....do	27	PP
154.965	Base or mobile		PX
154.9725	.....do	27	PX
154.980	.....do		PX
154.9875	.....do	27	PX
154.995	.....do		PX
155.0025	.....do	27	PX
155.010	.....do		PP
155.0175	.....do	27	PP
155.025	.....do		PX
155.0325do	27	PX

47 CFR § 90.20 - Public Safety Po. x

https://www.law.cornell.edu/cfr/cfr/47/90.20

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155.0425do	27	PP
155.700do		PP
155.7075do	27	PP
155.715do		PX
155.7225do	27	PX
155.730do		PP
155.7375	.....do	27	PP
155.745	.....do	81	PX
155.7525	.....do	27, 80, 83	PX
155.760	.....do	81	PX
155.7675	.....do	27	PX
155.775	.....do		PX
155.7825	.....do	27	PX
155.790	.....do		PP
155.7975	.....do	27	PP
155.805	.....do		PX
155.8125	.....do	27	PX

Thank you for considering amending the Hinsdale County FCC Licensed frequencies either by means of a regulation wide change or as an exception for the county individually to allow their radios to be reprogrammed back to "wideband" modulation of 5kHz from the "narrowband" mandate of 2.5Khz.

To contact me please call (719)588-3283 or send emails to myerselectronics@yahoo.com

Dale Myers, FCC Licensed PG-15-14686